

#13/Declaration  
8.27.02  
C. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: FILAS et al. CONF. NO. 2407  
APPLICATION NO.: 09/420,157 ART UNIT: 2879  
FILED: October 18, 1999 EXAMINER: Sikha ROY  
ENTITLED: ARTICLE COMPRISING ALIGNED NANOWIRES AND  
PROCESS FOR FABRICATING ARTICLE

\* \* \* \* \*

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, WEI ZHU declare:

1. I am a co-inventor of all of the originally filed claims of the above-identified patent application.
2. The application is currently assigned to Agere Systems Guardian Corp. ("Agere"), having been assigned to Agere by the previous assignee Lucent Technologies.
3. Prior to January 25, 1999, the other inventors and I conceived an improved process for fabricating emitter structures from nanowires and devices comprising such emitters, as disclosed and claimed in the present application.

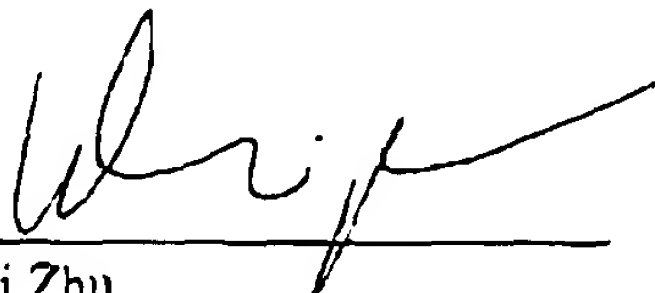
Appln. No.: 09/420,157

4. Prior to January 25, 1999, the other inventors and I had disclosed our invention to others within the company and had submitted a written description of the invention to Lucent Technologies' legal department for a patentability study and preparation of a patent application. (A copy of the memorandum acknowledging our submission (with dates redacted) is attached as Exhibit A).

5. Each of the above-listed acts occurred in the United States.

6. On October 18, 1999, the present application, application no. 09/420,157, was filed with the United States Patent and Trademark Office.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Wei Zhu  
Date